

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In re: WENDELL GOINS Debtor.		Case No. 11-17766-BFK Chapter 13

WENDELL GOINS

Plaintiff,

vs.

AP No. 12-01186

Colonial Homes Council of
Co-Owners

Defendants.

I. **CONSENT JUDGMENT ORDER**

II. UPON CONSIDERATION of the Complaint of the Plaintiff, Wendell Goins, to Determine Secured Status and Avoid Lien, and

IT APPEARING to the Court that the parties consent to entry of this order as evidenced by the endorsement of their counsel below,

APPEARING to the Court that secured value of the interest of the Defendant Colonial Homes Council of Co-Owners, Inc., in the Plaintiff's real property located at 9125 Portner Avenue, Manassas, VA 20110 for the purposes of the Debtor's Chapter 13 bankruptcy is \$0.00 (zero) and wholly unsecured; and it further

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APPEARING to the Court that said relief should be granted, it is,

ORDERED, ADJUDGED AND DECREED:

1. That the claim of Colonial Homes Council of Co-Owners, Inc., is determined to be a wholly unsecured claim for purposes of the Chapter 13 Plan;
2. That the Defendant Colonial Homes Council of Co-Owners, Inc., shall apply the payments it receives from the Chapter 13 Plan in the following order:
 - (1) First towards the Memorandum of Lien for Association Assessments
(Instrument #201011050098738, recorded November 5, 2010), in the amount of \$1,301.70;
 - (2) Second towards the Memorandum of Lien for Association Assessments
(Instrument #201103150021601, recorded March 15, 2011), in the amount of \$3,490.10.
3. That upon receipt of payments from the Chapter 13 plan in sufficient amount to satisfy the Memorandum of Lien for Association Assessments **(Instrument #201011050098738, recorded November 5, 2010)**, in the amount of \$1,301.70, the Defendant Colonial Homes Council of Co-Owners, Inc., shall record a release of that Memorandum of Lien for Association Assessments within 30 days.
4. That upon entry of the Debtor's Discharge in Bankruptcy Case No. 11-17766-BFK, Wendell Goins, the Defendant Colonial Homes Council of Co-Owners, Inc., shall

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retain a Memorandum of Lien for Association Assessments **(Instrument #201103150021601, recorded March 15, 2011)** in the reduced amount of \$1,200.00, or the remaining balance due after payments received from the Chapter 13 Plan, whichever is less.

5. Defendant Colonial Homes Council of Co-Owners, Inc., shall not attempt to enforce its remaining Memorandum of Lien for Association Assessments **(Instrument #201103150021601, recorded March 15, 2011)** *in rem* remedies against the property and may only collect the balance due upon transfer of the real property.
6. The Clerk of Court shall docket a copy of this order in Bankruptcy Case No. 11-17766-BFK, Wendell Goins.
7. The Clerk of Court shall serve a copy of this order on the parties listed below.

1.

2. Date: _____

3.

4.

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6.

Alexandria, Virginia

7.

8.

Entered on Docket:

9.

Brian F. Kenney
United States Bankruptcy Judge

10. I ASK FOR THIS:

11.

\s\ Scott J. Newton

Scott J. Newton

Stephens, Boatwright, Cooper, Coleman & Newton

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12. newton@manassaslaw.com

13. Counsel for Wendell Goins

14.

15.

16.

17. SEEN AND AGREED:

18.

\s\ Alexandra Spaulding by SJN with express permission

Alexandra Spaulding, Esq.

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